IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9773 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HIMATBHAI PREMJIBHAI SAVANI

Versus

SUB REGISTRAR OF ASSURANCE

Appearance:

1. Special Civil Application No. 9773 of 1993

MR MI HAVA for the Petitioner is absent.

MR LR POOJARI, AGP for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI

Date of decision: 28/08/2003

ORAL JUDGEMENT

The learned counsel for the respondents states that the petition has become infructuous, because, as per the instructions received by him from the office of the Deputy Collector under his letter dated 30th January,

2003, the petitioner had credited Rs. 41,380/- by cheque dated 28.6.'97, being 1/4th of the amount of Rs. 1,65,025/-, which was the deficit duty covered by the impugned notice, as a deposit amount and preferred an appeal before the Chief Controlling Revenue Authority, Ahmedabad, and that the Chief Controlling Revenue Authority has disposed of his appeal and made an order under Section 32-C of the Bombay Stamp Act, 1958, by which only the total amount of Rs. 15,750/- was ordered to be recovered and the remaining amount of Rs. 25,630/has been refunded to the applicant and his document has been handed over to him on 5th September, 1998. The learned counsel places a copy of the said letter dated 30th January, 2003 on the record of this petition.

In view of the petitioner having already preferred an appeal against the impugned notice at Annexure:A and the appellate order having been passed by which the petitioner has been refunded the amount of Rs. 25,636/- out of the total amount of Rs. 41,380/- credited by him and has been handed over the document, the petition has become infructuous. Rule is, therefore, discharged with no order as to costs.

[R.K. ABICHANDANI, J.]

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